SENATE BILL 9075

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 2, relative to school board elections.

WHEREAS, Article XI, Section 12 of the Constitution of Tennessee states, "The General

Assembly shall provide for the maintenance, support and eligibility and standards of a system of

free public schools"; and

WHEREAS, the One Hundred Eleventh General Assembly enacted Chapter 350 of the

Public Acts of 2019; and

WHEREAS, on August 3, 2020, Chancellor James F. Butler entered an order in the

Chancery Court of Madison County deeming Tennessee Code Annotated, Section 49-2-213,

unconstitutional and violative of Article XI, Section 9 of the Constitution of Tennessee due to the

limitations set forth in Tennessee Code Annotated, Section 49-2-213(e); and

WHEREAS, Chancellor James F. Butler's judicial powers do not extend beyond the

boundaries of Madison County; and

WHEREAS, parents across the State of Tennessee and across the nation have taken

school boards to task on various issues regarding the response to COVID-19, critical race

theory, historically inaccurate curricula, and social emotional initiatives; and

WHEREAS, recall elections offer the community an additional opportunity for voters to

check the powers of a school board; and

WHEREAS, asserting parental rights over education decisions and medical decisions is

key to preserving the integrity of the family and securing individual liberties in the State of

Tennessee; and

WHEREAS, the General Assembly has an obligation to uphold the Constitution of the

State of Tennessee; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-2-213, is amended by deleting subsection (e) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 49-2-213(d), is amended by deleting the language "sixty-six percent (66%) or more" and substituting "more than fifty percent (50%)".

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.